REMARKS

The enclosed is responsive to the Examiner's Final Office Action mailed on September 7, 2004 and is being filed pursuant to a Request for Continued Examination (RCE) as provided under 37 C.F.R. § 1.114. Applicants respectfully request reconsideration of this application. Claims 10 and 20 are canceled. Claims 1-3, 5-8, 12-15 and 18-19 have been amended to more properly define pre-existing claim limitations and are supported by the specification. Claim 21 has been added.

Rejections Under 35 U.S.C. § 101

Claims 18-19 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory matter. While Applicants disagree with the Office Action's assertion, Applicants have amended claims 18-19 to expedite examination of the application.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-4, 6, 8, 9, 11, 13, 15, 16, 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gladstein, et al., U.S. Patent No. 5,349,668 (hereinafter "Gladstein"), in view of Teitelbaum, et al., U.S. Patent No. 5,848,231, (hereinafter "Teitelbaum"). Claims 5, 12, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gladstein, et al., U.S. Patent No. 5,349,668 (hereinafter "Gladstein"), in view of Teitelbaum, et al.,

U.S. Patent No. 5,848,231, (hereinafter "Teitelbaum"), and further in view of Harwell, et al., U.S. Patent No. 5,396,637 (hereinafter "Harwell"). Claims 7 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gladstein, et al., U.S. Patent No. 5,349,668 (hereinafter "Gladstein"), in view of Teitelbaum, et al., U.S. Patent No. 5,848,231, (hereinafter "Teitelbaum"), and further in view of Inomata, et al., U.S. Patent No. 5,438,679 (hereinafter "Inomata").

Gladstein discloses saving operating data into a non-volatile memory when the power level of a device is at a point where there is substantially only sufficient remaining battery capacity to perform the save operation under program control. (Gladstein, col. 2, lines 8-17).

Teitelbaum discloses when using a network, a file server is often used for saving system data to a file server as a part of a timed system backup. (Teitelbaum, col. 15, lines 11-30). While the file server of Teitelbaum does have "power protection means and uninterrupted power supplies" to "provide battery power during power failures," Teitelbaum does not disclose attempting to the save immediate data of the computer to the file server upon the detection of low power. In fact, work is lost and only the most recent system backup can be loaded back into the computer because of this. (Teitelbaum, col. 15, lines 16-21).

Applicants respectfully submit combining these references does not disclose or suggest saving data stored in volatile memory on said portable

apparatus to a remote portal server responsive to said second threshold value being reached, as claimed (directly or indirectly) in independent claims 1, 8, 15, and 18. Even if the combination suggested the claimed elements, the mere fact that the references could be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (see MPEP §2143.01). In this case, Applicants respectfully submit that it would not have been obvious to combine Gladstein and Teitelbaum as the Office Action suggests based on knowledge generally available to one of ordinary skill in the art. Gladstein discloses saving operating data in a portable device to non-volatile memory upon low power detection – a power event. Gladstein does not suggest at storing the operating data to a portal server upon the occurrence of the power event. Teitelbaum discloses saving system data to a file server as a part of a timed system backup. (Teitelbaum, col. 15, lines 11-30). Teitelbaum does not disclose saving the system data as a part of a power event. In fact, Teitelbaum only mentions power failures in connection with keeping the file server running during a power outage. (Teitelbaum, col. 15, lines 11-30). All Teitelbaum discloses is the benefits of timed backups to a file server that is always running. One skilled in the art would not combine Gladstein and Teitelbaum as they relate to different reasons and locations for saving data.

Additionally, the combination of Gladstein and Teitelbaum does not teach "saving data stored in volatile memory on said portable apparatus to a remote portal server responsive to said second threshold value being

reached." The combination instead would teach storing operating data from a device into a file server as a part of a timed system backup and upon detecting low power in the device, saving the operating data to local non-volatile memory.

Accordingly, Applicants respectfully submit that the rejections relating to claims 1, 8, 15, and 18 have been successfully traversed. As claims 2-7, 9, 11-14, 16-17, 19, and 21 are dependent (directly or indirectly) on claims 1, 8, 15, and 18 Applicants respectfully submit that the rejections relating to these claims are also successfully traversed for at least the same reasons.

CONCLUSION

Applicants respectfully submit that the rejections have been overcome by the amendments and remarks, and that the pending claims are in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the pending claims be allowed.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 1/7/05

Thomas C. Webster
Reg. No. 46,154

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026
(408) 720-8300

App. No.: 09/802,348   -10-   Atty. Docket No.: 04676.P009X
Amdt. dated January 7, 2005
Reply to Final Office action of September 7, 2004